fault, the rule of law is clear. 29 Cyc. 521. If the apprehension of danger is reasonable, only the care and prudence of an ordinary man under the same circumstances is required. *Dolson* v. *Dunham,* 96 Minn. 227, 104 N. W. 964; *Shaffer* v. *Beaver Val. Traction Co.,* 229 Pa. 533, 79 Atl. 122. Although the occurrence causing fright must not be trivial, *South Covington & C. St. R. R. Co.* v. *Ware,* 84 Ky. 267, and plaintiff's position of danger clearly must have resulted from defendant's, and not his own, negligence, *Texas & P. Ry. Co.* v. *Myers* (Tex. 1910), 125 S. W. 49; *Grand Rapids & Ind. R. R. Co.* v. *Ellison,* 117 Ind. 234, the fact that the act taken was not the best choice, or would not have been taken on more deliberate judgment, or that the danger was merely apparent, or that no injury would have been sustained had the plaintiff remained passive, does not defeat recovery. WHARTON, NEGLIGENCE, Ed. 2, § 304, *Blyston-Spencer* v. *United Rys. Co.,* 152 Mo. App. 118, 132 S. W. 1175; *Mitchell* v. *So. Pac. R. R. Co.,* 87 Cal. 62; *Cody* v. *N. Y. & N. E. R. R. Co.,* 151 Mass. 462, 7 L. R. A. 843. The reasonableness of the bewilderment or fear of danger and of the action resulting in injury is for the jury. WHARTON, (*supra*), § 377; *Twomley* v. *Central Park N. & E. River R. R. Co.,* 69 N. Y. 160. An analogous question of law, similarly treated by the courts, is presented when one is injured in the attempt to save another's life, placed in danger by the negligence of the defendant. See note 27 L. R. A. (N. S.) 1069; 9 MICH. L. REV. 353.

CORPORATIONS—LIABILITY OF CORPORATION IN ACTION FOR DECEIT.—Action for deceit against defendant mining company and three of its directors, plaintiff alleging that the purchase of certain capital stock of the company had been induced by fraudulent statements made by the director selling the same, and by the company through its prospectus. Defendant company objected to the sufficiency of the complaint on the ground that the mining company, being a corporation, could not be sued for deceit, but was liable only to a rescission. *Held,* that the corporation was exactly in the position of a natural person and might be sued for deceit. *Gunderson* v. *Havana-Clyde Mining Co.* (N. D. 1911), 133 N. W. 554.

The ruling in the case is correctly said to be in accord with the "better doctrine" and the "modern rule." 1 CLARK AND MARSHALL, PRIV. CORP., § 238 (a), (b); 5 THOMP., CORP., § 5492. See also §§ 5474, 5481. But see *contra,* 1 COOK, CORP., § 157. The basic question is, of course, that of the imputation of intent or malice to the corporation. As bearing upon this see 6 MICH. L. REV. 57 at pp. 61 et seq.; 9 MICH. L. REV. 719.

ESTOPPEL—SCHOOL LANDS—TITLE OF STATE.—The State sued to establish title to a tract of disputed school lands, of which the defendant had been in possession under claim of ownership for 11 years, with full knowledge on the part of the State of his possession and claim of ownership under his homestead entry in 1898. In 1904, after survey and resurveys, section 43 was established and a patent issued to defendant from the United States. The State knew this and that the land had, since 1904, been assessed and taxed to defendant as "section 43"; that he had regularly paid his taxes so levied; and that such taxes were annually accepted and used by the State. The boun-

daries of the land were uncertain. *Held,* mere delay on the part of the State will not bar its right to quiet title thereto. *State* v. *Ball* (Neb. 1911), 133 N. W. 412.

Following the English doctrine, a few of the States have held that no estoppel in pais can be set up against the State, it being thought inconsistent with its sovereignty and prerogatives; *State* v. *Williams,* 94 N. C. 891; *State* v. *L. S. & M. S. Ry. Co.,* 1 Ohio N. P. 292. But it is now settled that when a State waives its sovereign prerogatives, makes contracts, and has dealings with private persons or corporations, it is to be treated as a private person; *Hall* v. *Wisconsin,* 103 U. S. 5. Hence the State may in a proper case be estop the State from asserting title. *State* v. *Lincoln Street Ry. Co.,* 80 Neb. 333, 14 L. R. A. (N. S.) 336; either by its acts, conduct, silence or acquiescence, *State* v. *Flint & P. M. R. R. Co.,* 89 Mich. 481; *State* v. *Jackson L. & S. R. Co.,* 69 Fed. 116; *Walker* v. *U. S.,* 139 Fed. 409. A State cannot be estopped by acts of its officers beyond the scope of their authority, *Saunders* v. *Hart,* 57 Tex. 8; *Lee* v. *Munroe,* 7 Cranch 366; *John Shillito Co.* v. *McClung,* 51 Fed. 868; *State* v. *Brown,* 67 Ill. 435. But is estopped when they act within the authority conferred. *People* v. *Stephens,* 71 N. Y. 527; *St. Paul S. & T. F. R. Co.* v. *1st Div. St. P. etc.,* 26 Minn. 31; *Chicago* v. *Sexton,* 115 Ill. 230; *Walker* v. *U. S.,* 139 Fed. 409. While the general principle is that laches or staleness of a claim cannot be set up as a defense against the United States, *U. S.* v. *Willamette Val. & Wagon Road Co.,* 54 Fed. 807; *U. S.* v. *Kirkpatrick,* 9 Wheat 720, 735; or a State, *People* v. *Brown,* 67 Ill. 435; nevertheless when the government or state sues in equity as party plaintiff relating to *proprietary interests,* it is affected by those equities recognized in controversies between private parties. *U. S.* v. *Chandler-Dunbar Co.,* 152 Fed. 25, 40. "Estoppel resting on the observance of honest dealing may become of higher importance than the preservation of the public domain." *U. S.* v. *Willamette Val. & Wagon Road Co., supra.* Length of time, full knowledge, and inaction are important elements and will in a proper case estop the State from asserting title. *State* v. *Lincoln Street Ry. Co.,* 80 Neb. 333, 14 L. R. A. (N. S.) 336; *Com.* v. *Bala & B. M. Turnp. Co.,* 153 Pa. 47; *State* v. *Bailey,* 19 Ind. 453; *City of Peoria* v. *Cent. Nat. Bank,* 224 Ill. 43; *Simplot* v. *City of Dubuque,* 49 Iowa 630. These elements were present in the principal case, see dissenting opinion.

False Pretenses—Defenses—Illegality.—Defendant was indicted for obtaining money under false pretenses. He had represented to complaining witness that he had counterfeit money for sale, and obtained from the latter $65 in lawful money on a promise to deliver $300 in counterfeit bills. Defense was the illegality of the transaction on the theory that such taint gave the prosecutor no standing in court. *Held,* though illegality of the transaction was established, it is no defense to an action under the statute defining the crime of obtaining money under false pretenses. Indictment quashed on other grounds. *Horton* v. *State* (Ohio 1911), 96 N. E. 797.

The issue is thus stated by the court, "Can there be a conviction for obtaining money under false pretenses, when the transaction on the part of the